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ABSTRACT

This newsletter focuses on the relationship between the Federal Communications Commission (FCC) and religious broadcasters. It traces the history of that relationship and discusses some of the pressures put on both. It includes a discussion of a recent avalanche of mail at the FCC supporting the church on the airways. It also summarizes some of the decisions made by regulating agencies and courts concerning religious broadcasting. (TJ)

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FREEDOM OF INFORMATION CENTER REPORT NO. 415

THE FCC AND THE ELECTRIC CHURCH

This report was written by Michael F. Abrams a doctoral candidate at the University of Missouri School of Journalism.

Every week of this year, an estimated 100 million Americans will ritually flick a switch and glue themselves, spiritually and physically, to one of the fastest growing and most popular social phenomena in the United States.

It is "the electric church," and it is buoyed by a super-sophisticated brew of advanced electronic technology; well-groomed, congenial evangelists with an ecumenical outlook; and hundreds of millions of dollars in cash, which flow in from faithful viewers urged to "help keep this program on the air."

The electric church, as it is dubbed in a book by that name by National Religious Broadcasters' executive director Ben Armstrong, is fast becoming a major force in the changing world of national television — and it has always carried clout for radio listeners.

According to Armstrong, whose organization boasts more than 800 radio and television station members, a new religious radio station is created every week, and a new television station every month.[1] The doings of religious broadcasters are now important enough to be covered by shapers of public opinion like **The New York Times, Harpers, Wall Street Journal, Newsweek**, and other newspapers and magazines.

"Religious Broadcasting Becomes Big Business, Spreading Across U.S." read a recent headline in the **Wall Street Journal**. The story told of the operations and the yearly gross of television evangelists. It was estimated that Oral Roberts of Tulsa, Okla., takes in $60 million a year from his weekly half-hour telecasts and prime-time specials; that Herbert W. and Garner Ted Armstrong gross in excess of $75 million annually; that Pat Robertson's Christian Broadcasting Network would take in $30 million in 1978 through its main attraction, "The 700 Club," and that Robertson's protege Jim Bakker of Charlotte, N.C., with his PTL Club (standing either for People that Love or Praise the Lord) and PTL Television Network has an estimated gross of $25 million a year.

> The Electric Church, as it is sometimes called, is a booming industry, generating thousands of jobs and an annual cash flow of hundreds of millions of dollars. By one estimate, religious radio stations in the U.S. number 1,200 ... the TV-station count is 25. . . .[2]

Punctuating the power of the religious broadcasting contingent in the United States is the trade association for that group — the National Religious Broadcasters (NRB), which holds its annual convention in Washington, D.C., and always manages to draw a flock of congressmen, Federal Communications Commission officials, media technology salesmen with truckloads of the latest gear, and, of course, hundreds of religious broadcasters and executives.

The vivid red, orange, and yellow broadsheet for the 37th Annual Convention in January 1980 at the Washington Hilton Hotel offers the religious broadcaster an opportunity to shake hands with the people who regulate broadcasting and even to break bread with them at the "FCC Luncheon" at $19 a plate and at the "Congressional Breakfast" for $15.

Among the distinguished speakers this year is U.S. Sen. Ernest F. Hollings (D-S.C.), who is chairman of the Senate subcommittee on communications and sponsor of legislation that could greatly change the way the federal government regulates broadcasting.

The religious blitzkreig in Washington was fortified further when the NRB boasted that it had hired former FCC Chairman Richard E. Wiley (1974-1977) as legal advisor earlier this year. Wiley, who received the NRB's distinguished service award in 1977, is the managing partner in a Washington, D.C. law firm. He is known, according to the NRB, for advocating "minimum government interference in the communications industry."

What have the religious broadcasters to fear from the Federal Communications Commission or Congress? Why do religious broadcasters appear to go to great lengths to ensure tight-knit relationships with those who wield power? The answer may be that religious broadcasters have less to gain than to lose. And it may be that the FCC, also, feels a peculiar kinship with religious broadcasting, illuminated by the following.

The "Super Right-Wingers" On The Air

The FCC receives hundreds of complaints each year from listeners on issues ranging from obscenity to racial prejudice to loud commercials. Many of the complaints are answered with form letters, and the following complaint against a religious station fell into that category.

The Broadcast Bureau of the FCC files complaints by call letter, not subject. One must know the call letters of the par-

Summary: Since the 1920s, religious broadcasters have had a sometimes stormy but mostly friendly relationship with those who regulate the airwaves. This report traces the history of relationship and some of the pressures put upon both the FCC and religious broadcasters, including a recent avalanche of mail at the FCC supporting the church on the airwaves.

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ticular station before requesting a copy of a complaint, which is a public record.[3]

Names of stations were culled from broadcasting literature and sent to Arthur Ginsburg, FCC chief of complaints and compliance.

Among them was KHEP-AM and -FM, in Phoenix, Ariz. The FCC disclosed that a resident of that city had filed a complaint against the station in late 1976.

> "The (radio) station is owned by a corporation that is composed of super right wing, fundamentalist preachers, hell fire screamers, and pretenders to the throne and inside information concerning the coming of Christ. They wou'dn't know classical music if they stumbled upon it . . ."[4]

The FCC answered with a form letter and a statement of FCC policy. Programs that "contain criticism, ridicule, humor, or 'stereotyping' with regard to religious beliefs" are "protected."

> Although such material may be objectionable to many people, it is protected by the constitutional guarantees of freedom of speech and of the press, and the FCC cannot suppress it.[5]

Ironically, it was the same Phoenix radio station, KHEP, that won the 1979 "Award of Merit" from the National Religious Broadcasters. The station was cited for both its AM and FM operations for both its "quality programming" and "Christian integrity."

The attitude of the FCC toward religious programming has always been flavored by the First Amendment. FCC Commissioner James Quello, who addressed the NRB in 1979, stressed that point:

> If other broadcasters showed the same purpose and dedication fighting for freedom of speech and freedom of the press as religious broadcasters do in fighting for freedom of religion, broadcasters would have won their full Constitutional rights years ago![6]

A review of the way government regulates the airwaves shows that the FCC walks a tightrope over religious stations. Because the Constitution forbids governmental interference with religion, the FCC must make certain that a religious station has gone to great lengths to violate public trust before the crackdown occurs. Conduct must approach the scandalous — as will be seen in the **Trinity** and the **Brandywine** cases. Stations don't lose their licenses easily.

Origins and Conflicts

The first religious broadcasts preceded the creation of the FCC (1934) and the old Federal Radio Commission (1927). These broadcasts were made from the first licensee in the United States, KDKA/Pittsburgh, on Jan. 2, 1921.[7] The station's engineers wore choir robes so as not to disturb the singers that Sunday at Calvary Episcopal Church. The services became a regular KDKA Sunday feature. Radio preaching became popular quickly, and Paul Rader, an evangelist, conducted services in 1922 from the top floor of Chicago's city hall at the request of the mayor. Soon he operated his own station — WJBT — "Where Jesus Blesses Thousands." By 1927, there were some 50 stations licensed to religious broadcasters.[8]

However, that same year, many religious stations were forced off the air because they couldn't meet the sophisticated equipment standards and schedules mandated by the Federal Radio Act.[9] That year the FRC was established by Congress to allocate frequencies among competing applicants in a manner responsive to the public "convenience, interest, or necessity."[10]

The most important early case involving a religious broadcaster was **Trinity Methodist Church, South, v. FRC**, which was decided in 1932. The church operated KGEF radio in Los Angeles and its minister, the Rev. Dr. Shuler, was the chief broadcaster. The FRC had refused to renew the station's license. Shuler's broadcasts had apparently included attacks on judges who were hearing cases he wished to influence — charging some of them with immoral acts. He attacked Jews and made "frequent and bitter attacks" on the Roman Catholic religion.[11] Once, he announced he had certain damaging information against a prominent unnamed man and unless a "contribution" of a hundred dollars was made, presumably to the church, he would name the man. As a result, he received contributions from several persons. Wrote the appellate court:

> However inspired Dr. Shuler may have been by what he regarded as patriotic zeal, however sincere in denouncing conditions he did not approve, it is manifest, we think, that it is not narrowing the ordinary conception of "public interest" in declaring his broadcasts — without facts to sustain and justify them — not within that term.[12]

If a licensee can use his station to "offend the religious susceptibilities of thousands" and engage in other unwarranted broadcasting and be answerable only at the instance of the one who is offended "then this great science (radio), instead of a boon, will become a scourge. . . ." Refusing to renew a broadcast license to one who has abused it is not a denial of freedom of speech, wrote the court.

In 1938, the Young People's Association for the Propagation of the Gospel applied to construct a radio station in Philadelphia. Evangelists Percy Crawford and C. Erling Olsen had already been involved in "The Young People's Church of the Air" and "Forum Hour" over other stations. The applicants stated:

> . . . . in connection with religious broadcasts the station's facilities would be extended only to those whose tenets and beliefs in the interpretation of the Bible coincide with the applicant. On the other hand, no restriction is placed on the use of the station's time by those not having the same beliefs as the applicant when the program to be broadcast is devoted to civic and charitable purposes.[13]

The argument was insufficient for the FCC, which responded:

> Where the facilities of a station are devoted primarily to one purpose and the station serves as a mouthpiece for a definite group or organization, it cannot be said to be serving the general public.

In 1949, the American Jewish Congress protested the application for a radio license by the New York **Daily News** and New York **Sunday News**, claiming that the corporation, News Syndicate, Inc., had shown racial and religious prejudice in the news and editorial columns of the papers. The Jewish group presented a "content analysis" of the newspapers, purporting to show how the News carried "a larger percentage of unfavorable references to Jews and Negroes" than other New York papers.[14] While the FCC found "no probative value" in the AJC argument, it refused to strike the argument from the record. Whether the applicant dislikes any religion is not the issue, said the FCC. The issue is rather whether the applicant is likely to give a "fair break" to people who do not share his views, said the FCC.

In this case, it was clear that the FCC had established a concept of what comprises "fairness" and that this "fair break" outweighed, in this case, a First Amendment argu-

ment by the newspapers.

One year later, the FCC issued its "Report on Editorializing by Broadcast Licensees," which gave more formal obligations to stations in the fairness area. The broadcaster must afford reasonable opportunity "for the presentation of contrasting views" when he presents one side of an issue of public importance. The language was made into law in 1959 when Congress amended the 1934 Communication Act. The law became known as the "Fairness Doctrine." In 1969, the FCC adopted the Personal Attack Rules, which state that during presentation of views on a controversial issue of public importance (Fairness Doctrine criteria), if an attack is made on the honesty, character, integrity or personal qualities of an identified person or group, the broadcaster must, within a week, notify the person or group, send a summary or tape, and offer a "reasonable opportunity" to respond.

Meanwhile, other cases were coming before the FCC that had great bearing on religious stations. In **Noe v. FCC** in 1958[15] the court upheld the FCC's right to grant a television license to Loyola University in New Orleans. One of two other applicants, James Noe, claimed that the university, with is affiliation with the Society of Jesus, was representing an "alien" — the pope — and that its stock was controlled by representatives (priests) of aliens.

The court pointed out that the university, chartered by the state in 1912, was non-profit, non-stock, and did not receive money from the Society of Jesus. All the directors were U.S. citizens, the court pointed out. Section 310 of the Communications Act applied only to alien ownership during wartime, said the court, quoting U.S. House hearings. Noe also argued that Loyola, on its radio station WWL, had once failed to provide time to Protestant clergymen. An unnamed friend of the court also quoted a papal encyclical to the effect that television should not carry anything "contrary to the Catholic faith."[16]

The court recited the FCC's finding that Loyola's failure to carry the clergymen was not the result of policy and that time was provided "as soon as the situation was brought to the attention of Loyola's president." The court held that the religious orientation of the licensee is irrelevant — the primary consideration is "whether the applicant, whatever his own views, is likely to give a 'fair break' to others who do not share them."

The Status of the Listening Public

The landmark case that gave standing to "responsible representatives" of the listening public — rather than simply challengers to a license — was the **Office of Communication of the United Church of Christ v. FCC** in 1966.[17] The church group had petitioned the FCC to allow evidence in opposition to license renewal for WLBT, a Jackson, Miss., television station. The group claimed many violations of the Fairness Doctrine — that the station was unfair in programming to blacks and to the Catholic church. The FCC denied the petition on grounds that the United Church had no greater right in court or standing than the general public. The FCC renewed the license for a year, on probation, and asked the station to set up meetings with community leaders, including activists, to see if it was meeting public needs. But the decision was insufficient for the appeals court, which ruled that "public participation" is "especially important" in a renewal proceeding. The court said the FCC had elected to "post the Wolf to guard the Sheep."

That success by the United Church of Christ was not duplicated by the Anti-Defamation League of B'nai B'rith, which, two years later, was in court challenging the FCC's denial of a hearing of a religious case involving KTYM radio in Inglewood, Calif. The Jewish group claimed that certain programs had contained anti-Semitic material. The station argued that it had offered the league free time to respond to broadcaster Richard Cotten, but the league had rejected the offer. The FCC agreed that the Fairness Doctrine had been violated, but this was "isolated." The station was reprimanded, but the FCC said:

> To require every licensee to defend his decision to present any controversial program that has been complained of in a license renewal hearing would cause most — if not all — licensees to refuse to broadcast any program that was potentially controversial or offensive to any substantial group.[18]

The landmark case **Red Lion Broadcasting Co. v. FCC**[19] upheld as constitutional the Fairness Doctrine. Religious broadcaster and right-winger the Rev. Billy James Hargis had attacked author Fred J. Cook for Cook's book, **Goldwater, Extremist on the Right.** He accused Cook of associating with people who were pro-communist. Cook asked for reply time over WGCB in Red Lion, Pa., which had carried the 15-minute syndication. The station refused. The FCC declared the Hargis broadcast a personal attack, and said the station must give reply time. The U.S. Supreme Court agreed, tracing out the long history of fairness, beginning with Trinity Methodist and Young People's Association cases.

Th public has a right to receive "suitable access to social, political, esthetic, moral and other ideas," said the court. "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."

Just as a religious broadcaster was the prime figure in **Red Lion**, another outspoken religious leader, Dr. Carl McIntire, found himself incurring the wrath of the FCC and the courts. He was found in "deliberate and continuous disregard" of the Fairness Doctrine and his station was refused license renewal. When he had taken over radio station WXUR in Media, Pa., McIntire had faced stiff opposition from the NAACP, the Anti-Defamation League, the Urban League, UNICEF, and Baptist and Catholic groups. He pledged fairness, was granted temporary license, but began to alter his promises to the FCC about the kinds of programs he would carry.

The 1966 application for a three-year license was opposed by 19 different groups. The charges said that WXUR had become:

> a divisive force in the community by disparaging racial and religious groups and by castigating and vilifying persons and groups espousing views on public controversial issues different from those of the applicant.[20]

After 8,000 pages of testimony and several hundred exhibits, the FCC hearing examiner ruled in favor of the station. The FCC refused to adopt the hearing examiner's report, which blamed WXUR's problems on a "small staff," which made it difficult to follow the fairness rules. Brandywine (the corporation), said the FCC, did not notify those whom it was attacking, failed to send tapes, and didn't even know whether personal attacks were to be contained in broadcasts. The company "simply ignored its plain duty to the public."

The lengthy, vituperative appellate court case went against WXUR.

> During the entire license period Brandywine willfully chose to disregard Commission mandate. With more brazen bravado than brains, Brandywine went on an independent frolic, broadcasting what it

> chose, in any terms it chose, abusing those who dared to differ with its viewpoints.[21]

The next case was easier for the courts, which upheld a television license grant for Faith Center, Inc., in Connecticut. The non-profit church corporation had run two radio stations and a television station in California. Its religious programming was "balanced" and the station proposed "no abdication of the concept of diversified programming."[22]

> Should the Commission discover any denominationalism or particular religiocentrism, it is more than equipped to handle the situation. The mere fact that a licensee is a religious organization should not disqualify it. . . ."

The court quoted the FCC that religious organizations may present sectarian programs, but cannot, however, "turn their back" on secular problems.

In 1974, in **King's Garden, Inc. v. FCC**, the courts ruled that although some employees of a religious licensee could be hired with religion as a criterion, the 1964 Civil Rights Act did not allow a station to hire all its employees on religious criteria. The rights act had exempted "all activities of any religious corporation. . . ."[23] and King's Garden thought it could use the law as a loophole. Further, King's Garden argued that the FCC had a rule exempting jobs "connected with the espousal of the licensee's religious views." However, the court called the religious exemption in the Civil Rights Act "of very doubtful constitutionality." A religious sect, ruled the court, "has no constitutional right to convert a licensed communications franchise into a church." So, where a job position had no substantial connection with program content or with a program with no religious dimension, the station could not discriminate.

From the Mailbag to the Incinerator: Current Problems

It is evident from the cases cited that religious groups have won some battles and lost others. In one recent instance, winning was not good enough — religious groups have flooded the FCC with so much mail that the FCC has thrown up its hands and is no longer attempting to answer it. In fact, according to one FCC mailroom official, the letters, which are coming in at the rate of 3,000 a day, are merely opened, counted, sacked, and either put into the incinerator or taken to the "landfill."[24]

What caused this vast outpouring of mail to the FCC? It came as the result of a petition to the FCC on rulemaking, in December 1974, by two public interest advocates — Jeremy D. Lansman and Lorenzo W. Milam. The request became notorious among religionists as the "Petition Against God."[25] Milam and Lansman, formerly radio station operators in St. Louis, asked the FCC to suspend the granting of any more FM radio and educational television licenses to fundamentalist religious groups.

The FCC has exclusive power to allocate the frequencies for non-commercial educational radio and television stations. In February 1979, there were 992 FM educational radio stations, 158 UHF educational television stations, and 102 VHF-TV stations.[26] While many are licensed to universities, religious groups are allowed a station in any city in which they have an educational institution. What Milam and Lansman asked for was a "freeze" on applications by sectarian schools, colleges, and institutes for reserved educational FM and TV channels. It also asked for a freeze on government-controlled groups, and revisions in rules. The petition was worded colorfully enough to raise religious wrath.

> Religious broadcasters have shown a remarkable cancer-like growth into the 'educational' portions of the FM and TV bands. They control endless monies from 'free-will' contributions, thrive on mindless, banal programming aimed at some spiritless, oleaginous God and show the same spirit as McDonald's Hamburger Co. in their efforts to dominate American radio and television. It is dreadful enough that Oral Roberts, Family Radio, and the Church of the Foursquare Gospel invade the 'commercial' band — but, not satisfied with that, we have such doubtful 'educators' as Moody Bible Institute, Miami Christian University, Nazarene Theological seminary, Southern Missionary College, Pacific Union College, Western Bible Institute, among others, rushing to crowd the narrow FM band set for non-commercial, educational stations. We have no doubt that their attack on reserved VHF and UHF television bands will start soon enough.[27]

Within nine months, more than 1,500,000 letters were filed with the commission, marked by strong responses, too, from the NRB, the U.S. Catholic Conference, and the Office of Communication of the United Church of Christ. The organizations argued that the petition for rulemaking would limit free exercise of religion, to which Lansman and Milam replied that granting of non-commercial licenses to religious groups violated the Establishment Clause of the First Amendment.

Apparently, misinformation was rife. Thousands, maybe millions of persons thought the petition would ban religious broadcasting altogether, according to samples of the FCC letters. Some thought the petition was authored by noted atheist Madalyn Murray O'Hair, who had tangled in print with the FCC over not allowing atheists to answer religionists over the air. The FCC answered the petition with a Memorandum Opinion, rejecting the petitioners' proposals.

> In observing the principles of neutrality, we treat religious organizations and secular organizations alike in determining eligibility for operation on a reserved channel. . . . The pleadings indicate Petitioners' distaste for most religious programming and espouse their own views for improving such programming. The Commission, even if it were disposed to, cannot cater to personal views . . .[28]

The answer did not stop the letters. Speaking before the NRB this year, Commissioner Quello told the broadcasters:

> You won the war over three years ago. But the letters keep pouring in because the petition has somehow become misconstrued as an atheistic plot to keep God and religion off the air.

Quello followed lightheartedly: "We are delighted that Jesus Christ is truly broadcasting's No. 1 superstar with an all-time-high mail count."

> But seriously, we have to again issue our annual counter-plea — there is no issue — please don't keep "those cards and letters rolling in." We are not administratively equipped to handle them. More importantly, remember that those wonderful but misinformed letter writers have spent over $1,350,000 in postage alone — this doesn't count the envelopes, paper, time and effort in mailing.[29]

By that time, the FCC had received nine million letters, an average of 8,523 per day, in December 1978 alone.

Recently asked about the letters, he called them an "unfortunate, misguided outpouring of sentiment."[30] Arthur Ginsburg, chief of the complaints division of the FCC, responded with a form letter saying, "We wish that there was some way we could stop the flow of . . . letters, which are based upon

misinformation."[31]

Ginsburg says the majority of the mail has gone unanswered. An FCC mailroom official stated (phone call) that some of the people are sending money to keep religious programs on the air. The FCC does not keep the names of those who send letters. Most of the letters are sent "by individuals," said broadcast analyst Thomas Dunlap.

The FCC refused to give out names of those who were sending letters, claiming that might violate the Privacy Act. However, news accounts did reveal some names. Dr. William F. Fore, the assistant secretary for communication of the National Council of Churches, said the letters were being sent by people "who don't want the facts to get in the way of their prejudices." He criticized (New York **Times**, 2-18-76) the NRB, saying that the NRB had sent out a pamphlet mentioning "27,000 letters in support of a freeze on new religious stations . . . aimed at the destruction of religious broadcasting."

The NRB's Dr. Ben Armstrong said the pamphlet was sent only to 700 members, not the general public. Armstrong said outside groups had reprinted the pamphlet. In the New York **Times** article, one letter-writer was quoted as hearing about the "ban" at a "senior club meeting" while Dr. Lilliam T. Cochran, a sociologist at Drew University, said he heard about it from a friend. A woman from Manhattan read about it "in a church bulletin."

Newspaper editors around the country have regularly been urged to take action by religious groups, and the rumor crops up in church bulletins and in sermons, the Associated Press reported (Louisville **Courier-Journal**, 12-16-76).

The St. Louis **Post** reported (8-20-78) that a one-page mimeographed sheet was being passed around in church circles. The sheet, with a tear-off section to be sent to the FCC, states that Madalyn Murray O'Hair, the atheist, had been granted a hearing on the banning of religious broadcasting. "You can defeat her this time," the sheet said, in reference to her successful ban on prayer in schools. "But we need a million letters in support of religious broadcasting. Send your letter immediately to the FCC."

The Atheists, Others Sound Off

While the religionists pressure the FCC to keep religion on the air, there are those who claim that the very fact the FCC smiles upon religion and often encourages it violates the Establishment Clause of the Constitution, that Congress "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Recently, Washington, D.C. attorney Linda Jo Lacey questioned whether the FCC was violating the clause.[32] In her law review article she suggested parallels between the public school system and broadcasting. She questioned whether the "wall of separation" between religion and education is properly maintained by the FCC's method of awarding non-commercial frequencies to religious groups.

More importantly, perhaps, she points out that FCC policies encourage religious programming. While the FCC does not state that a station must provide religious programming, "it has hinted that 100 percent secular programming would not serve the public interest."

"Religion" is a separate category for logging purposes. Lacey cites Commissioner Lee Loevinger's statement that:

> Over the years individual commissioners and staff members have stated explicitly that the Commission favors and requires religion as one element of broadcast programming.[33]

Further, in ascertainment policies, the FCC's "Primer" on the needs of communities suggests that the licensee interview groups dealing with "labor," "culture," and, among others, "religion."

Moreover, certain inconsistencies appear to exist in the way the FCC applies or does not apply the Fairness Doctrine to religious broadcasting. It has refused a challenge by O'Hair who wanted free time to discuss her views on Hawaiian radio stations. The FCC accepted the argument that "free thought" is not a controversial issue of public importance and that "mere broadcast of church services, devotionals and prayers is not the presentation of a controversial issue within the meaning of the Fairness Doctrine."[34] The **Brandywine** decision, in which the Fairness Doctrine was cited many times, seems to leave the impression that the FCC's standards could be inconsistent.

Recently O'Hair's magazine, **American Atheist**, was devoted to a scathing indictment of the FCC and religious broadcasters, as well as the National Association of Broadcasters whose code mandates religion on the air.

> Compounding the problem of dealing with the topic of religion is that those who control the media, from the standpoint of administration and ownership, are almost solidly of the Judeo-Christian camp. That is, those persons who fully accept the Christian scheme of salvation. . . .[35]

Nonetheless, the attitude toward religious programming is reflected by Chuck Larson, the program manager for WNBC-TV in New York City, NBC's flagship station, who spoke by phone.

> There is no requirement that the station program any amount of religious programming. But it is assumed the station will do some of it. We certainly do it, and we report it. But that's not the entire reason we do it. We do it because it's an important programming service to our viewers.

Larson said the station presents many religions, and has welcomed atheists. One local program, "The First Estate," has shown "literally hundreds of viewpoints." He said he feels WNBC's coverage is sufficient and that it would take "a dramatic upswing" in the number of letters the station gets concerning religion for WNBC to reduce or expand.

Keeping Posted: FCC Eyes Fundraising

As religious broadcasting becomes more sophisticated (Three religious broadcasting networks now operate 24 hours daily by satellite transmission[36]), the FCC is beginning to pay close attention to the more sophisticated way money is being raised.

A recent development forewarns religious broadcasters that closer attention is being paid to them. The FCC recently voted to formally investigate television station WJAN in Canton, Ohio, owned by the PTL Club. The station carries Christian programs 24 hours a day and is financed entirely by donations, sent to the licenseholder and parent firm, Heritage Village Church and Missionary Fellowship, Inc., in Charlotte, N.C. Hearings were being held in Washington in December 1979.

The FCC only recently began cracking down (Kansas City **Times**, 5-8-78) on radio stations around the country, some of which were accused of airing gambling tips during religious sermons. These stations were located in New Jersey, Georgia and Virginia. One station, WOOK in Washington, D.C., had its license revoked in 1975 on grounds that, among other things, it broadcast lottery information . . . in religious programs.

What Will The Future Bring?

A look at current religious concerns shows that the religious broadcaster faces some opposition and envy in his own house. Perhaps that, rather than FCC regulation, is his or her greatest challenge.

Writes Charles E. Swann, the general manager of WRFK at Union Theological Seminary in Virginia:

> Pastors must become familiar with the electronic church. They ought to take at least one Sunday morning off and watch their competition. Then they can preach and teach about the electronic church and explain the differences between it and the real church. . . . If we won't come up with the money and the programming to present an alternative view of Jesus and his church, then it's likely that a large portion of the next generation won't know the difference between us and the video church on TV. We will have condemned them to ignorance.[37]

National Council of Churches spokesman William Fore questions (Los Angeles **Times**, 12-18-78) whether TV ministers are pulling people away from the local church, substituting a "phantom, non-people electronic church for the church of real people with real needs."

Whatever the arguments for or against the "electronic church," there can be no doubt that if it continues to satisfy a need for the viewer, and if the money keeps coming in, it will be successful for a long time to come.

According to the NRB, the fourth religious satellite system, financed by the National Christian Network in Cocoa, Fla., was launched recently. It will provide programs free of charge, 24 hours a day, to any station that wants to use them. The gospel is in "geosynchronous orbit," chimes the latest issue of **Religious Broadcasting** (Nov. 1979).

At the same time, organizations like the NRB, the United Church of Christ, the National Council of Churches, and others are watching Congress move slowly on revising the Communications Act.

With eyes skyward and with legal feet on the ground, religious broadcasters seem assured of a long success.

FOOTNOTES

1. Ben Armstrong, **The Electric Church**, Nashville: Thomas Nelson, Inc., 1978.
2. "The Electric Church: Religious Broadcasting Becomes Big Business, Spreading Across U.S." **The Wall Street Journal**, May 19, 1978, p. 1.
3. Correspondence with Arthur Ginsburg, Nov. 8, 1979.
4. Letter to FCC from Don Stott, Phoenix Ariz., Nov. 7, 1976.
5. FCC Broadcast Bureau Publication 8310-100.
6. Comments by FCC Commissioner James Quello before the National Religious Broadcasters Association, Washington, D.C. Jan. 23, 1979.
7. Armstrong, excerpted in **Religious Broadcasting Magazine**, January 1979, pp. 25-31.
8. **Ibid.**
9. **Ibid.**
10. Radio Act of 1927, 1, 47 USCA 81.
11. 62 F2d 850.
12. **Ibid.**
13. 6 FCC 178.
14. 12 FCC 837.
15. 260 F2d 739.
16. **Ibid.**
17. 359 F2d 994.
18. 403 F2d 169.
19. 395 U.S. 367.
20. 473 F2d 16.
21. **Ibid.**
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23. 498 F2d 51.
24. Telephone conversation with clerk Carolyn Mason, FCC, 12-3-79.
25. Linda Jo Lacey, "The Electric Church: An FCC-'Established' Institution?" **Federal Communications Law Journal**, Vol. 31, No. 2 p. 239.
26. Federal Communications Commission Broadcast Station Totals for February 1979, cited by Lacey.
27. Petition for Rulemaking, No. RM-2493, December 1974.
28. 54 FCC 2d 950.
29. Quello speech.
30. Correspondence from James Quello, Oct. 26, 1979.
31. Correspondence from Arthur Ginsburg, Form C10-1252, Nov. 5, 1979.
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34. 40 FCC 647.
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